

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Honorable Frank R. Addy, Jr., Circuit Court Judge
Appellate Case No. 2018-002133

THE STATE,

vs.

SYLVESTER FERGUSON, III,

Respondent.

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SFP 23 2019
Appellant,
SC Court of Appeals

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER**

Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Appellant and Designation of Matter are due to be served and filed on September 23, 2019.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has submitted an Initial Brief of Respondent to the Court of Appeals in

State v. Justin Adams, State v. Terrell Freeman, State v. Eric Emanuel English, State v. Orin Jerrell Kemp, State v. William Holmes, and State v. John Fitzgerald Anderson; has submitted a Petition for Writ of Certiorari to the Supreme Court in John Lydon Upson v. State; and has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in Charles Green, Jr. v. State; has submitted a Petition for Rehearing to the Supreme Court in State v. James Scott Cross; and has submitted a Petition for Rehearing to the Court of Appeals in State v. Joseph Bowers.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important search and seizure issue involving the propriety of a purported “knock-and-talk” in light of the South Carolina Constitution’s prohibition against unreasonable invasions of privacy. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

IV.

Prior to filing this extension request, the undersigned counsel has consulted with appellate counsel for Respondent about the matter. During the consultation, appellate counsel for Respondent graciously indicated he has no objections to the State’s extension request.

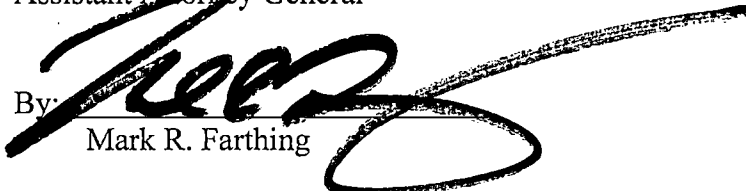
WHEREFORE, Appellant prays that the Court extend the deadline for the service and filing of the Initial Brief of Appellant and Designation of Matter in this case for thirty days from

the date such relief is granted; hold the matter in abeyance pending a ruling on Appellant's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

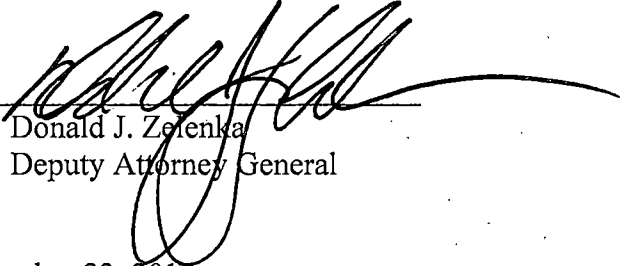
MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

I have reviewed and approved this extension request.

By: 
William M. Blich, Jr.
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

September 23, 2019

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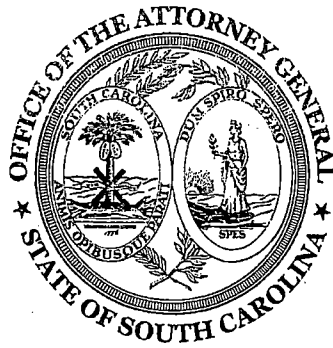
PROOF OF SERVICE

I, Shana Montgomery, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter on Appellant by sending two copies of the same to:

Robert M. Dudek, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 23rd day of September, 2019.


SHANA MONTGOMERY
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

September 23, 2019

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Sylvester Ferguson, III – Appellate Case No. 2018-002133

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Robert M. Dudek, Esq.
Victim Advocacy Division

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